

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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RAYMOND LAMAR BROWN,

1:20-cv-8463 (NLH) (SAK)

Plaintiff,

**MEMORANDUM OPINION  
& ORDER APPOINTING COUNSEL  
UNDER 28 U.S.C. § 1915**

v.

RICHARD SMITH, et al.,

Defendants.

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**APPEARANCES:**

Raymond Lamar Brown  
48657  
Cumberland County Jail  
54 W. Broad St.  
Bridgeton, NJ 08302

Plaintiff pro se

James R. Birchmeier, Esq.  
Birchmeier & Powell LLC  
1891 State Highway 50  
PO Box 582  
Tuckahoe, NJ 08250-0582

Counsel for Defendants Richard Smith and Jody Hirata

Stephen D. Holtzman, Esq.  
Jeffrey S. McClain, Esq.  
Holtzman McClain & Londar, PC  
524 Maple Avenue  
Suite 200  
Linwood, NJ 08221

Counsel for Defendant Dr. Alan Dias

**HILLMAN, District Judge**

WHEREAS, Plaintiff Raymond Lamar Brown filed this complaint

under 28 U.S.C. § 1915 on July 9, 2020, ECF No. 1; and

WHEREAS, the Court granted Plaintiff's in forma pauperis application and permitted the complaint to proceed, ECF Nos. 2 & 3; and

WHEREAS, the Magistrate Judge denied Plaintiff's prior applications for the appointment of counsel after concluding the factors set forth in Tabron v. Grace, 6 F.3d 147 (3d Cir. 1993) did not support appointing counsel at that time, ECF Nos. 8, 22; and

WHEREAS, Plaintiff is also a class representative in a class action seeking injunctive relief that is pending before this Court, Brown v. Warren, 20-7907. The Court conducted many hours of evidentiary hearings throughout April and May 2021, which included Plaintiff's testimony, on the plaintiffs' request for a preliminary injunction addressing the COVID-19 protocols at the Cumberland County Jail; and

WHEREAS, the parties entered into a consent decree and the Court appointed a special master in the class action to issue a report "containing findings and recommendations . . . regarding the adequacy of COVID-19 protections and procedures at the Cumberland County Jail." Brown v. Warren, No. 20-7907 (D.N.J. May 13, 2021) (ECF No. 126 at 4-5); and

WHEREAS, Plaintiff Brown's individual complaint concerns many of the same allegations as the pending class action; and

WHEREAS, the Court sua sponte concludes that the interests of justice support appointing counsel at this time, 28 U.S.C. § 1915(e)(1); and

WHEREAS, the Court concludes that the Tabron factors weigh in favor of appointing counsel to represent Plaintiff in this action due to the complexity of the case, discovery challenges, probable need for expert testimony, and Plaintiff's inability to afford counsel on his own,

THEREFORE, IT IS on this 10th day of June, 2021

ORDERED that the Clerk shall select an attorney from the civil pro bono panel; and it is further

ORDERED that the selected appointed attorney from the civil pro bono panel shall enter a notice of appearance within fourteen (14) days of the date of his or her appointment; and it is finally

ORDERED that the Clerk shall send a copy of this Order to Plaintiff by regular mail.

At Camden, New Jersey

s/ Noel L. Hillman  
NOEL L. HILLMAN, U.S.D.J.